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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
MORTEZA AMIRI,
Defendant.

Case No. 23-cr-00269-JSW-1

**ORDER REQUIRING OFFER OF
PROOF RE MORTEZA AMIRI'S
MOTION *IN LIMINE* NO. 2 TO
EXCLUDE UNFAIRLY PREJUDICIAL
LANGUAGE**

Re: Dkt. No. 251

Mr. Amiri moved to exclude prejudicial language from Exhibits 101, 212, 217, 218, 219, 901, 903, 904, 923, 924, 925, and 932. The Court reviewed the exhibits as provided to the Court in the Joint Binder of Disputed Exhibits and identified inflammatory but admissible language as stated on the record in the pretrial conference.

The Court further stated that it was unable to locate the racist language identified by the Government in its opposition to Mr. Amiri's motion *in limine* in the exhibits cited by Mr. Amiri, but that it was inclined to exclude instances of the "n-word" and the word "gorilla" as more prejudicial than probative, should the issue arise.

The Court is not pleased with the manner in which the Government asked for clarification, as it confused the issues and it is unclear what exactly is before the Court. The Court HEREBY ORDERS the Government to submit an offer of proof, in writing, by the end of the day today, February 10, 2025, regarding the specific exhibits containing the racist language it intends to introduce at trial. The Government shall clarify the nexus between the extreme nature of the language in each exhibit and the elements of the particular charge(s) for which it is offered.

Mr. Amiri shall have until Wednesday, February 12, 2025 at 4:00 p.m. to respond. The government's submission shall include a table with a brief explanation as to why

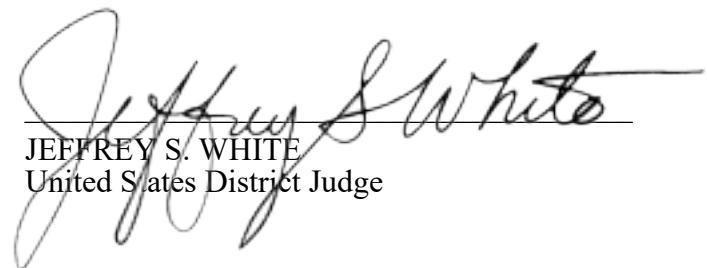
1 each exhibit is admissible:

2 Exhibit 3 No.	4 Exhibit	5 Government's Offer of 6 Proof	7 Mr. Amiri's Response
8 #	9 Name or brief description of exhibit, including inflammatory language	10 Reason for which it is offered with citation to case law as appropriate	11 Mr. Amiri's argument for why exhibit should not be admitted (blank for Government submission)

12 The Court will thereafter issue a written order on the motion *in limine*.

13 **IT IS SO ORDERED.**

14 Dated: February 10, 2025



15 JEFFREY S. WHITE
16 United States District Judge